

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of:

Acceleration of Broadband Deployment  
Expanding the Reach and Reducing the Cost of  
Broadband Deployment by Improving Policies  
Regarding Public Rights of Way and Wireless  
Facilities Siting

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WC Docket No. 11-59

To: The Commission

**REPLY COMMENTS OF THE CITY OF GOLETA, CALIFORNIA**

The City of Goleta, California ("Goleta") respectfully submits these Reply Comments to the Commission in the above-entitled Notice of Inquiry ("NOI") proceedings.

Goleta has become aware that the Personal Industry Wireless Association ("PCIA") submitted to the Commission in this NOI contain material factual errors and seriously distort the actual facts regarding Goleta's use of qualified municipal consultants to assist it in wireless matters.

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Matters of Basic Fairness

Initially, Goleta notes that the allegations leveled by PCIA were never served on Goleta by PCIA.

Goleta is aware that other municipal commenters in this NOI have also stated that the telecommunications industry has not served the allegations on the municipalities mentioned by the industry commenters.

The PCIA's response to the NOI contains unsupported and erroneous allegations by the telecommunications industry that paints various local governments as obstructionist wrongdoers. The affected parties were not given any opportunity by the wireless industry to dispute these allegations given that they were not served on the alleged municipal miscreants. Accordingly, the bare and unsupported allegations in PCIA's Comments do not provide a sound basis or record upon which the Commission should act.

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## II PCIA Misstates Material Facts Regarding Goleta

Turning to the allegations raised by PCIA in connection with Goleta, PCIA stated that:

Wireless consultants are the source of many of the barriers and prohibitive costs associated with the deployment of wireless facilities. It is common practice for these consultants to charge excessive application fees, impose superfluous application requirements (including proof of need), require discretionary review for collocations, and delay the application and review process. Jurisdictions that retain consultants identified by the wireless infrastructure industry as obstructionists and problematic include [the City of Goleta, California].

(Comments of PCIA Exhibit B, Section V @ pg. 11.)

Goleta joins with other municipal commenters stating that PCIA's claim should be rejected by the Commission.

As noted by the City of Glendale, California, "PCIA's allegations are vague and unsubstantiated. They fail to identify which consultants are identified, who identified them, and what they may have done to create the so-called barriers against deployment of wireless facilities." (Reply Comments of the City of Glendale, California @ Pg. 2.)

Goleta has employed a qualified municipal wireless attorney knowledgeable in federal and state law, as well as telecommunications technology to assist it in the development of Goleta's current wireless siting ordinance. The process of developing the new wireless ordinance included substantial input from interested parties in the wireless industry, as well as other stakeholders.

Goleta notes that the process of wireless facilities siting is highly technical, and governed by various federal and state court decisions that shape wireless siting practices in California. Despite claims to the contrary by industry speakers, the use of municipal consultants by Goleta and other city governments is useful, necessary and appropriate to cutting through to the real issues that can legally and promptly addressed by Goleta and its wired and wireless applicants.

Goleta further notes that while it rarely uses municipal consultants or attorneys in the wireless siting process, just the opposite is true for the wireless carriers who almost exclusively rely on local consultants to apply for wireless siting permits.

## IV Conclusions

The process of wireless facilities siting is complex from a legal standpoint, a technical and technology standpoint, and from a community aesthetics viewpoint. A successful process requires a reasonable balance between competing interests. Goleta has struck a successful balance of these elements, and the PCIA's use of a factually unsupported and incorrect brush to paint it as a wrongdoer is not helpful to the Commission.

Valuable national guidance and policy comes from factually accurate and reliable information that is broadly applicable. This has not been the case in this proceeding given the industry-promoted innuendo and misstatements.

Goleta urges the Commission not to rely on innuendo, factually inaccurate, and unreliable information as the basis for the Commission to promulgate any new rules and policies in wireless tower siting matters.

Goleta, like other government commenters, finds value in the idea of having the Commission serve as an information resource for wireless carriers and local governments in wireless tower siting matters.

The City of Goleta thanks the Commission for its consideration of these Reply Comments.

THE CITY OF GOLETA, CALIFORNIA

by



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Date: 9/29/11

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